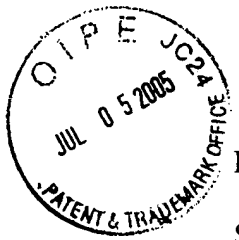


3629  
TH**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: Bowler, et al.  
Serial No.: 09/768,407  
Filed: 01/24/2001  
Group Art Unit: 3629  
Examiner: Fisher, Michael J.  
For: SYSTEM FOR FACILITATING ELEVATOR DESIGN

**RESPONSE**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office Action mailed on March 31, 2005.

Applicant respectfully submits that the rejection under 35 U.S.C. §112 should be withdrawn. There is no requirement that a "system" claim recite physical structure. The claims are clear in scope and content. Additionally, the specification describes an example system that comprises primarily software.

Applicant respectfully submits that the rejections under 35 U.S.C. §102 and §103 based upon the *Wakelam, et al.* reference should be withdrawn. The *Wakelam, et al.* reference does not qualify as prior art against Applicant's invention. Applicant is entitled to a date of invention prior to the March 3, 2000 filing date of the *Wakelam, et al.* reference. As attested to in the Declaration of Scott Gaskill enclosed with this response, Applicants conceived their invention prior to March 3, 2000. Applicants also reduced

their invention to practice at least as early as within several months of March 3, 2000. Because Applicants' date of conception is prior to March 3, 2000 and they were diligently working toward completing a reduction to practice since at least as early as March 2, 2000 until a date of completion at least as early as within several months of that date, the *Wakelam, et al.* reference does not qualify as prior art under 35 U.S.C. §102(e).

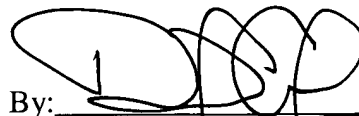
The Declaration of Mr. Gaskill and the attached copy of an invention disclosure form are sufficient to remove the *Wakelam, et al.* reference from consideration as prior art because it is not prior to the invention of the subject matter of this application.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be reached at the telephone number indicated below.

Applicant encloses a Change of Correspondence Address form and asks that the Patent Office direct all further correspondence to the attention of the undersigned.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

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(248) 988-8360

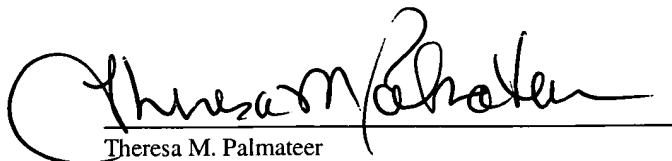
Dated: 6-29-05



60,469-030; OT-4798

CERTIFICATE OF MAILING

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on 6-28-05.

  
Theresa M. Palmateer

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